

EMERGENCY – BOARD FOR BARBERS AND COSMETOLOGY RULES AND REGULATIONS
Adopted June 26, 2002

CHAPTER 30.

REGULATIONS – BARBERING AND COSMETOLOGY

PART I.

GENERAL.

18 VAC 41-40-10. Definitions.

The following words and terms when used in this chapter shall have the following meaning, unless the context clearly indicates otherwise. All terms defined in Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia are incorporated in this chapter.

"Affidavit" means a written statement of facts, made voluntarily and confirmed by the oath or affirmation of the party making it, taken before a notary or other person having the authority to administer such oath or affirmation.

"Direct supervision" means that a Virginia licensed barber, cosmetologist, or nail technician shall be present in the barbershop, cosmetology salon, or nail technician salon at all times when services are being performed by a temporary permit holder or registered apprentice.

"Endorsement" means a method of obtaining a license by a person who is currently licensed in another state.

"Licensee" means any person, partnership, association, limited liability company, or corporation holding a license issued by the Board for Barbers and Cosmetology, as defined in § 54.1-700 of the Code of Virginia.

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"Reciprocity" means a conditional agreement between two or more states that will recognize one another's regulations and laws for equal privileges for mutual benefit.

"Reinstatement" means having a license or certificate restored to effectiveness after the expiration date has passed.

"Renewal" means continuing the effectiveness of a license or certificate for another period of time.

"Virginia state institution" for the purposes of these regulations means any institution approved by the Virginia Department of Education or the Virginia Department of Corrections.

PART II.

ENTRY.

18 VAC 41-40-20. General requirements for a barber, cosmetologist, or nail technician license.

A. In order to receive a license as a barber, cosmetologist, or nail technician, an applicant must meet the following qualifications:

1. The applicant shall be in good standing as a licensed barber, cosmetologist, or nail technician in every jurisdiction where licensed. The applicant shall disclose to the board at the time of application for licensure any disciplinary action taken in another jurisdiction in connection with the applicant's practice as a barber, cosmetologist, or nail technician. The applicant shall disclose to the board at the time of application for licensure whether he has been previously licensed in Virginia as a barber, cosmetologist, or nail technician.

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2. The applicant shall disclose his physical address. A post office box is not acceptable.

3. The applicant shall sign, as part of the application, an affidavit certifying that the applicant has read and understands the Virginia barber and cosmetology license laws and the regulations of the board.

4. In accordance with § 54.1-204 of the Code of Virginia, the applicant shall not have been convicted in any jurisdiction of a misdemeanor or felony which directly relates to the profession of barbering, cosmetology, or nail care. The board shall have the authority to determine, based upon all the information available, including the applicant's record of prior convictions, if the applicant is unfit or unsuited to engage in the profession of barbering, cosmetology, or nail care. The board will decide each case by taking into account the totality of the circumstances. Any plea of nolo contendere shall be considered a conviction for the purposes of this section. The applicant shall provide a certified copy of a final order, decree or case decision by a court or regulatory agency with the lawful authority to issue such order, decree or case decision, and such copy shall be admissible as prima facie evidence of such conviction. This record shall be forwarded by the applicant to the board within ten days after all appeal rights have expired.

5. The applicant shall provide evidence satisfactory to the board that the applicant has passed the board approved examination, administered either by the board or by independent examiners.

B. Eligibility to sit for board-approved examination.

1. Training in the Commonwealth of Virginia. Any person completing an approved barber, cosmetology, or nail technician training program in a Virginia licensed barber, cosmetology, or nail

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technician school, respectively, or a Virginia public school's barber, cosmetology, or nail technician program approved by the State Department of Education shall be eligible for examination.

2. Training outside of the Commonwealth of Virginia, but within the United States and its territories.

a. Any person completing a barber or cosmetology training program that is substantially equivalent to the Virginia program but is outside of the Commonwealth of Virginia must submit to the board documentation of the successful completion of 1,500 hours of training to be eligible for examination. If less than 1,500 hours of barber or cosmetology training was completed, an applicant must submit a certificate, diploma or other documentation acceptable to the board verifying the completion of a substantially equivalent barber or cosmetology course and documentation of six months of barber or cosmetology work experience in order to be eligible for examination.

b. Any person completing a nail technician training program that is substantially equivalent to the Virginia program but is outside of the Commonwealth of Virginia must submit to the Board documentation of the successful completion of 150 hours of training to be eligible for examination. If less than 150 hours of nail technician training was completed, an applicant must submit a certificate, diploma or other documentation acceptable to the board verifying the completion of a substantially equivalent nail technician course and documentation of six months of nail technician work experience in order to be eligible for the nail technician examination.

18 VAC 41-40-30. License by endorsement.

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Upon proper application to the board, any person currently licensed to practice as a barber, cosmetologist, or nail technician who is a barber, cosmetology or nail technician instructor in any other state or jurisdiction of the United States and who has completed both a training program and a written and practical examination that is substantially equivalent to that required by these regulations, may be issued a barber, cosmetology, or nail technician license or a barber, cosmetology or nail technician instructor certificate, respectively, without an examination. The applicant must also meet the requirements set forth in 18 VAC 41-30-20.

18 VAC 41-40-40. Apprenticeship training.

- A. Licensed barbers, cosmetologists, and nail technicians who train apprentices shall comply with the standards for apprenticeship training established by the Division of Apprenticeship Training of the Virginia Department of Labor and Industry and the Virginia Board for Barbers and Cosmetology. Owners of barbershops, cosmetology salons, and nail salons who train apprentices shall comply with the standards for apprenticeship training established by the Division of Apprenticeship Training of the Virginia Department of Labor and Industry.
- B. Any person completing the Virginia apprenticeship program in barbering, cosmetology, or nail care shall be eligible for examination.

18 VAC 41-40-50. Exceptions to training requirements.

- A. Virginia licensed cosmetologists with a minimum of two years of work experience shall be eligible for the barber examination; likewise, a Virginia licensed barber with a minimum of two years of work experience shall be eligible for the cosmetology examination.

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- B. Virginia licensed barbers with less than two years of work experience and Virginia barber students enrolling in a Virginia cosmetology training school shall be given educational credit for the training received for the performances completed at a barber school; likewise, licensed Virginia cosmetologists with less than two years of work experience and Virginia cosmetology students enrolling in a Virginia barber training school shall be given educational credit for the training received for the performances completed at a cosmetology school.
- C. Any barber, cosmetologist, or nail technician applicant having been trained as a barber, cosmetologist, or nail technician in any Virginia State Institution shall be eligible for the respective examination.
- D. Any barber or cosmetologist applicant having a minimum of two years experience in barbering or cosmetology in the United States armed forces and having provided documentation satisfactory to the board of that experience shall be eligible for the respective examination.

18 VAC 41-40-60. Examination requirements and fees.

- A. Applicants for initial licensure shall pass both a practical and written examination approved by the board. The examinations may be administered by the board or by a designated testing service.
- B. Any applicant who passes one part of the examination shall not be required to take that part again provided both parts are passed within one year of the initial examination date.
- C. Any candidate failing to appear as scheduled for examination shall forfeit the examination fee.

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D. The fee for examination or re-examination is subject to contracted charges to the board by an outside vendor. These contracts are competitively negotiated and bargained for in compliance with the Virginia Public Procurement Act (§ 11-35 et seq. of the Code of Virginia). Fees may be adjusted and charged to the candidate in accordance with these contracts. The fee shall not exceed \$225.00 per candidate.

18 VAC 41-40-70. Reexamination requirements.

Any applicant who does not pass a reexamination within one year of the initial examination date shall be required to submit a new application and examination fee.

18 VAC 41-40-80. Examination administration.

A. The examinations shall be administered by the board or the designated testing service. The practical examination shall be supervised by a chief examiner.

B. Every barber, cosmetology, or nail technician examiner shall hold a current Virginia license in their respective professions, have three or more years of active experience as a licensed professional and be currently practicing in that profession. Examiners shall attend training workshops sponsored by the board or by a testing service acting on behalf of the board.

C. No certified barber, cosmetology, or nail technician instructor who is currently teaching, or is a school owner, or is an apprentice sponsor shall be an examiner.

D. Each barber, cosmetology, and nail technician chief examiner shall hold a current Virginia license in his respective profession, have five or more years of active experience in that profession, have three years of active experience as an examiner, and be currently practicing in his respective profession.

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Chief examiners shall attend training workshops sponsored by the board or by a testing service acting on behalf of the board.

E. The applicant shall follow all procedures established by the board with regard to conduct at the examination. Such procedures shall include any written instructions communicated prior to the examination date and any instructions communicated at the site, either written or oral, on the date of the examination. Failure to comply with all procedures established by the board and the testing service with regard to conduct at the examination may be grounds for denial of application.

18 VAC 41-40-90. Barber, cosmetology, and nail technician temporary permits.

A. A temporary permit to work under the supervision of a currently licensed barber, cosmetologist or nail technician may be issued only to applicants for initial licensure that the board finds eligible for examination. There shall be no fee for a temporary permit.

B. The temporary permit shall remain in force for 45 days following the examination date. The examination date shall be the first test date after the applicant has successfully submitted an application to the board that an examination is offered to the applicant by the board.

C. Any person continuing to practice barbering, cosmetology, or nail care services after a temporary permit has expired may be prosecuted and fined by the Commonwealth under §§ 54.1-111.A.1 and 54.1-202 of the Code of Virginia.

D. No applicant for examination shall be issued more than one temporary permit.

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18 VAC 41-40-100. General requirements for a barber instructor certificate, cosmetology instructor certificate or nail technician instructor certificate.

A. Upon filing an application with the Board for Barbers and Cosmetology, any person meeting the qualifications set forth in this section shall be eligible for a barber, cosmetology, or nail technician instructor certificate, if the person:

1. Holds a current Virginia barber, cosmetology, or nail technician license, respectively; and
2. Passes a course in teaching techniques at the post-secondary educational level; or
3. Completes an instructor training course approved by the Virginia Board for Barbers and Cosmetology under the supervision of a certified barber, cosmetologist, or nail technician instructor in a barber, cosmetology, or nail technician school, respectively; or
4. Passes an examination in barber, cosmetology or nail technician instruction respectively, administered by the board or by a testing service acting on behalf of the board.

B. Applicants passing the examination for a barber, cosmetology or nail technician instructor certificate shall be required to maintain a barber, cosmetology or nail technician license.

18 VAC 41-40-110. Student instructor temporary permit.

A licensed barber, cosmetologist, or nail technician may be granted a student instructor temporary permit to function under the direct supervision of a barber instructor, cosmetology instructor, or nail technician instructor respectively. A licensed nail technician may also be granted a student instructor permit to

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function under the direct supervision of a cosmetology instructor. The student instructor temporary permit shall remain in force for not more than 12 months after the date of issuance and shall be non-transferable and non-renewable. Failure to maintain a barber, cosmetology, or nail technician license shall disqualify an individual from holding a student instructor temporary permit.

18 VAC 41-40-120. Shop or salon license.

- A. Any individual wishing to operate a barbershop, cosmetology or nail salon shall obtain a shop or salon license in compliance with § 54.1-704.1 of the Code of Virginia.
- B. A barbershop, cosmetology or nail salon license shall not be transferable and shall bear the same name and address of the business. Any changes in the name, address, or ownership of the shop or salon shall be reported to the board in writing within 30 days of such changes. New owners shall be responsible for reporting such changes in writing to the board within 30 days of the changes.
- C. In the event of a closing of a barbershop or cosmetology or nail salon, the board must be notified by the owners in writing within 30 days of the closing, and the license must be returned by the owners to the board.

18 VAC 41-40-130. School license.

- A. Any individual wishing to operate a barber, cosmetology, or nail technician school shall obtain a school license in compliance with § 54.1-704.2 of the Code of Virginia. All instruction and training of barbers, cosmetologists, or nail technicians shall be conducted under the direct supervision of a licensed barber, cosmetologist, or nail technician, respectively.

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B. A barber, cosmetology, or nail technician school license shall not be transferable and shall bear the same name and address as the school. Any changes in the name or address of the school shall be reported to the board in writing within 30 days of such change. The name of the school must indicate that it is an educational institution. All signs, or other advertisements, must reflect the name as indicated on the license issued by the board and contain language indicating it is an educational institution.

C. In the event of a change of ownership of a school, the new owners shall be responsible for reporting such changes in writing to the board within 30 days of the changes.

D. In the event of a school closing, the board must be notified by the owners in writing within 30 days of the closing, and the license must be returned.

PART III.

FEES.

18 VAC 41-40-140. Fees.

The following fees apply:

<u>FEE TYPE</u>	<u>AMOUNT DUE</u>	<u>WHEN DUE</u>
<u>Individuals:</u>		
<u>Application</u>	<u>\$55</u>	<u>With application</u>
<u>License by Endorsement</u>	<u>\$55</u>	<u>With application</u>
<u>Renewal:</u>		
<u>Barber</u>	<u>\$55</u>	<u>With renewal card prior to</u>

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		<u>expiration date</u>
<u>Cosmetologist</u>	<u>\$55</u>	<u>With renewal card prior to expiration date</u>
<u>Nail technician</u>	<u>\$55</u>	<u>With renewal card prior to expiration date</u>
<u>Reinstatement</u>	<u>\$55</u>	<u>With reinstatement application</u>
<u>Instructors:</u>		
<u>Application</u>	<u>\$60</u>	<u>With application</u>
<u>License by Endorsement</u>	<u>\$60</u>	<u>With application</u>
<u>Renewal</u>	<u>\$60</u>	<u>With renewal card prior to expiration date</u>
<u>Reinstatement</u>	<u>\$60</u>	<u>With reinstatement application</u>
<u>Facilities:</u>		
<u>Application</u>	<u>\$90</u>	<u>With application</u>
<u>Renewal</u>	<u>\$90</u>	<u>With renewal card prior to expiration date</u>
<u>Reinstatement</u>	<u>\$90</u>	<u>With reinstatement application</u>
<u>Schools:</u>		
<u>Application</u>	<u>\$120</u>	<u>With application</u>
<u>Add Program</u>	<u>\$60</u>	<u>With application</u>
<u>Renewal</u>	<u>\$120</u>	<u>With reinstatement application</u>
<u>Reinstatement</u>	<u>\$120</u>	<u>With renewal card prior to expiration date</u>

18 VAC 41-40-150. Refunds.

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All fees are nonrefundable and shall not be prorated.

PART IV.

RENEWAL/REINSTATEMENT.

18 VAC 41-40-160. License renewal required.

- A. All barber licenses, cosmetology licenses, nail technician licenses, barbershop licenses, cosmetology salon licenses, and nail technician salon licenses shall expire two years from the last day of the month in which they were issued.

- B. All barber instructor certificates, cosmetology instructor certificates, and nail technician instructor certificates shall expire on the same date as the certificate holder's license expiration date.

- C. All school licenses shall expire on December 31 of each even numbered year.

18 VAC 41-40-170. Notice of renewal.

The Department of Professional and Occupational Regulation will mail a renewal notice to the licensee or certificate holder outlining the procedures for renewal. Failure to receive this notice, however, shall not relieve the licensee or certificate holder of the obligation to renew. If the licensee or certificate holder fails to receive the renewal notice, a copy of the old license or certificate may be submitted as evidence of intent to renew, along with the required fee.

18 VAC 41-40-180. Failure to renew.

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- A. When a licensed or certified individual or entity fails to renew its license or certificate within 30 days following its expiration date, the licensee or certificate holder shall apply for reinstatement of the license or certificate by submitting to the Department of Professional and Occupational Regulation a reinstatement application and renewal fee and reinstatement fee.
- B. When a barber, cosmetologist, or nail technician fails to renew his license within two years following the expiration date, reinstatement is no longer possible. To resume practice, the former licensee shall apply for licensure as a new applicant, shall meet all current application requirements, shall pass the Board's current examination and shall receive a new license. Individuals applying for licensure under this section shall be eligible to apply for a temporary permit from the board under 18 VAC 41-30-90.
- C. When a barber instructor, cosmetology instructor, or nail technician instructor fails to renew his certificate within two years following the expiration date, reinstatement is no longer possible. To resume practice, the former certificate holder shall apply as a new applicant, meet all current application requirements, and receive a new license or temporary permit from the board. Upon receiving the new license, the individual may apply for a new instructor's certificate.
- D. The application for reinstatement for a school shall provide the reasons for failing to renew prior to the expiration date, and a notarized statement that all students currently enrolled or seeking to enroll at the school have been notified in writing that the school's license has expired. All of these materials shall be called the application package. Reinstatement will be considered by the board if the school consents to and satisfactorily passes an inspection of the school and if the school's records are maintained in accordance with 18 VAC 41-30-250 and 18 VAC 41-30-260 by the Department of Professional and Occupational Regulation. Pursuant to 18 VAC 41-30-190, upon receipt of the reinstatement fee, application package, and inspection results, the board may reinstate the school's

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license or require requalification or both. If the reinstatement application package and reinstatement fee are not received by the board within six months following the expiration date of the school's license, the board will notify the testing service that prospective graduates of the unlicensed school are not acceptable candidates for the examination. Such notification will be sent to the school and must be displayed in a conspicuous manner by the school in an area that is accessible to the public. No student shall be disqualified from taking the examination because the school was not licensed for a portion of the time the student attended if the school license is reinstated by the board.

E. The date a renewal fee is received by the Department of Professional and Occupational Regulation, or its agent, will be used to determine whether a penalty fee or the requirement for reinstatement of a license or certificate is applicable.

F. When a license or certificate is reinstated, the licensee or certificate holder shall be assigned an expiration date two years from the date of the last day of the month of reinstatement except for school licenses which shall expire on December 31 of each even numbered year.

G. A licensee or certificate holder who reinstates his license or certificate shall be regarded as having been continuously licensed or certified without interruption. Therefore, a licensee or certificate holder shall be subject to the authority of the board for activities performed prior to reinstatement.

H. A licensee or certificate holder who fails to reinstate his license or certificate shall be regarded as unlicensed or uncertified from the expiration date of the license or certificate forward. Nothing in these regulations shall divest the board of its authority to discipline a licensee or certificate holder for a violation of the law or regulations during the period of time for which the individual was licensed or certified.

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PART V.

BARBER AND COSMETOLOGY SCHOOLS.

18 VAC 41-40-190. Applicants for state approval.

- A. Any person, firm, or corporation desiring to operate a barber, cosmetology, or nail school shall submit an application to the board at least 60 days prior to the date for which approval is sought.
- B. Barber schools, nail schools, or cosmetology schools under the Virginia Department of Education shall be exempted from licensure requirements.

18 VAC 41-40-200. General requirements.

A barber, cosmetology, or nail school shall:

1. Hold a school license for each and every location.
2. Hold a salon license if the school receives compensation for services provided in its clinic.
3. Employ a staff of licensed and certified barber, cosmetology, or nail technician instructors.
4. Develop individuals for entry level competency in barbering, cosmetology, or nail care.
5. Submit its curricula for board approval.

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- a. Barber curricula shall be based on a minimum of 1,500 clock hours and shall include performances in accordance with 18 VAC 41-30-220.
 - b. Cosmetology curricula shall be based on a minimum of 1,500 clock hours and shall include performances in accordance with 18 VAC 41-30-220.
 - c. Nail technician curricula shall be based on a minimum of 150 clock hours and shall include performances in accordance with 18 VAC 41-30-220.
6. Inform the public that all services are performed by students if the school receives compensation for services provided in its clinic by posting a notice in the reception area of the shop or salon in plain view of the public.
 7. Classroom instruction must be conducted in an area separate from the clinic area where practical instruction is conducted and services are provided.

18 VAC 41-40-210. Curriculum requirements.

- A. Each barber school shall submit with its application a curriculum including, but not limited to, a course syllabus, a detailed course content outline, a sample of five lesson plans, a sample of evaluation methods to be used, and a breakdown of hours and performances for all courses to be taught that will lead to licensure. The outline for barbering shall include, but not be limited to, the following:
 1. School policies;
 2. State law, regulations and professional ethics;
 3. Business and shop management;

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4. Client consultation;
5. Personal hygiene;
6. Cutting the hair with a razor, clippers, shears;
7. Tapering the hair;
8. Thinning the hair;
9. Shampooing the hair;
10. Styling the hair with a hand hair dryer;
11. Thermal waving;
12. Permanent waving with chemicals;
13. Shaving;
14. Trimming a moustache or beard;
15. Applying hair color;
16. Lightening or toning the hair;
17. Analyzing skin or scalp conditions;
18. Giving scalp treatments;
19. Giving facial massage or treatment;
20. Sanitizing and maintaining implements and equipment; and
21. Honing and stropping a razor.

B. Each cosmetology school shall submit with its application a curriculum including, but not limited to, a course syllabus, a detailed course content outline, a sample of five lesson plans, a sample of evaluation methods to be used, and a breakdown of hours and performances for all courses to be taught that will lead to licensure. The outline for cosmetology shall include, but not be limited to, the following:

1. Orientation:

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- a. School policies;
 - b. State law, regulations, and professional ethics;
 - c. Personal hygiene; and
 - d. Bacteriology, sterilization, and sanitation.
2. Manicuring and pedicuring:
- a. Anatomy and physiology;
 - b. Diseases and disorders;
 - c. Procedures to include both natural and artificial application; and
 - d. Sterilization.
3. Shampooing and rinsing:
- a. Fundamentals;
 - b. Safety rules;
 - c. Procedures; and
 - d. Chemistry, anatomy, and physiology.
4. Scalp treatments:
- a. Analysis;
 - b. Disorders and diseases;
 - c. Manipulations; and
 - d. Treatments.
5. Hair styling:
- a. Anatomy and facial shapes;
 - b. Finger waving, molding and pin curling;
 - c. Roller curling, combing, and brushing; and
 - d. Heat curling, waving, braiding and pressing.
6. Hair cutting:
- a. Anatomy and physiology;

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- b. Fundamentals, materials, and equipment;
 - c. Procedures; and
 - d. Safety practices.
7. Permanent waving-chemical relaxing:
- a. Analysis;
 - b. Supplies and equipment;
 - c. Procedures and practical application;
 - d. Chemistry;
 - e. Record keeping; and
 - f. Safety.
8. Hair coloring and bleaching:
- a. Analysis and basic color theory;
 - b. Supplies and equipment;
 - c. Procedures and practical application;
 - d. Chemistry and classifications;
 - e. Record keeping; and
 - f. Safety.
9. Skin care and make-up:
- a. Analysis;
 - b. Anatomy;
 - c. Health, safety, and sanitary rules;
 - d. Procedures;
 - e. Chemistry and light therapy;
 - f. Temporary removal of hair; and
 - g. Lash and brow tinting.
10. Wigs, hair pieces, and related theory:

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a. Sanitation and sterilization;

b. Types; and

c. Procedures.

11. Salon management:

a. Business ethics; and

b. Care of equipment.

18 VAC 41-40-220. Hours of instruction and performances.

A. Curriculum and performance requirements shall be offered over a minimum of 1,500 clock hours for barbering and cosmetology, 150 clock hours for nail care.

B. The curriculum requirements for barbering must include the following minimum performances:

<u>Hair and scalp treatments</u>	<u>10</u>
<u>Hair styling</u>	<u>320</u>
<u>Tinting</u>	<u>15</u>
<u>Bleaching and frosting</u>	<u>10</u>
<u>Temporary rinses</u>	<u>10</u>
<u>Semi-permanent color</u>	<u>10</u>
<u>Cold permanent waving or chemical relaxing</u>	<u>25</u>
<u>Hair shaping</u>	<u>50</u>
<u>Wig care, styling, placing on model</u>	<u>5</u>
<u>Finger waving and thermal waving</u>	<u>30</u>
<u>Facials and waxings</u>	<u>5</u>

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TOTAL	490
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C. The curriculum requirements for cosmetology must include the following minimum performances:

Hair and scalp treatments	10
Hair styling	320
Tinting	15
Bleaching and frosting	10
Temporary rinses	10
Semi-permanent color	10
Cold permanent waving or chemical relaxing	25
Hair shaping	50
Wig care, styling, placing on model	5
Finger waving and thermal waving	30
Manicures/pedicures	15
Facials and waxings	5
Sculptured nails/nail tips/wraps	20
TOTAL	525

D. The curriculum requirements for nail care must include the following minimum performances:

Manicures	30
Pedicures	15
Individual sculptured nails/nail tips	200
Individual removals	10
Individual nail wraps	20

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TOTAL 275

18 VAC 41-40-230. School identification.

Each barber, cosmetology, or nail care school approved by the board shall identify itself to the public as a teaching institution.

18 VAC 41-40-240. Records.

Schools are required to keep upon graduation, termination or withdrawal, written records of hours and performances showing what instruction a student has received for a period of five years after the student terminates or completes the curriculum of the school. These records shall be available for inspection by the department. All records must be kept on the premises of each school.

18 VAC 41-40-250. Hours reported.

Within 30 days of the closing of a licensed barber school, cosmetology school, or nail care school, for any reason, the school shall provide a written report to the board on performances and hours of each of its students who have not completed the program.

PART VI.

STANDARDS OF PRACTICE.

18 VAC 41-40-260. Display of license.

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- A. Each shop owner, salon owner or school owner shall ensure that all current licenses, certificates or permits issued by the board shall be displayed in the reception area of the shop, salon or school in plain view of the public. Duplicate licenses, certificates or permits shall be posted in a like manner in every shop, salon or school location where the regulant provides services.

- B. Each shop owner, salon owner or school owner shall ensure that no employee, licensee, student or apprentice performs any service beyond the scope of practice for the applicable license.

- C. All licensees, certificate holders and permit holders shall operate under the name in which the license, certificate, or permit is issued.

- D. Unless also licensed as a cosmetologist, a barber is required to hold a separate nail technician license if he will be performing manicures or pedicures or applying artificial nails.

- E. All apprenticeship cards issued by the Department of Labor and Industry (DOLI) shall be displayed in plain view of the public in the reception area of the shop or salon. The apprentice sponsor shall require each apprentice to wear a badge clearly indicating their status as a DOLI registered apprentice.

18 VAC 41-40-270. Sanitation and safety standards for shops, salons, and schools.

A. Sanitation and safety standards:

Any shop, salon, school or facility where barber, cosmetology, or nail services are delivered to the public must be clean and sanitary at all times. Compliance with these rules does not confer compliance with other requirements set forth by federal, state and local laws, codes, ordinances, and regulations as they apply to business operation, physical construction and maintenance, safety,

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and public health. Licensees shall take sufficient measures to prevent the transmission of communicable and infectious diseases and comply with the sanitation standards identified in this section and shall insure that all employees likewise comply.

B. Disinfection and storage of implements:

1. A wet disinfection unit is a container large enough to hold a disinfectant solution in which the objects to be disinfected are completely immersed. A wet disinfection unit must have a cover to prevent contamination of the solution. The solution must be an Environmental Protection Agency (EPA) registered hospital (grade) and tuberculocidal disinfectant solution. Disinfectant solutions shall be used according to manufacturer's directions. Disinfection is to be carried out in the following manner:
 - a. Remove hair and all foreign matter from the object.
 - b. Wash thoroughly with hot water and soap.
 - c. Rinse thoroughly with clean water and dry thoroughly with a clean paper towel.
 - d. Fully immerse instruments into solution, and
 - e. After immersion, rinse articles, thoroughly dry with a clean paper towel and store in a clean pre-disinfected and dry cabinet, drawer, or non-airtight covered container, or leave instruments in an EPA registered disinfection/storage solution used according to manufacturer's directions.

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2. For the purpose of recharging, rechargeable clippers may be stored in an area other than in a closed cabinet or container. This area shall be clean and the cutting edges of any clippers are to be disinfected.

3. Electrical clipper blades shall be disinfected before and after each use. Disinfection is to be carried out in the following manner:
 - a. Remove all hair and foreign matter;

 - b. Remove blade and all hair and foreign matter under blade; and

 - c. Completely immerse clipper blade into an EPA registered hospital (grade) and tuberculocidal disinfectant solution for not less than ten minutes. Wipe the entire handle down with the solution.

 - d. If the clipper blade cannot be removed, the use of a spray or foam used according to the manufacturer's instructions will be acceptable provided that the disinfectant is an EPA registered hospital (grade) and tuberculocidal disinfectant solution, and that the entire handle is also disinfected by wiping with the disinfectant solution.

4. All materials including cosmetic and nail brushes, sponges, chamois, spatulas and galvanic electrodes must be cleaned with warm water and soap or detergent to remove all foreign matter. Implements should then be rinsed, thoroughly dried with a clean paper towel, and completely immersed in an EPA registered hospital (grade) and tuberculocidal disinfectant solution. Such implements shall be soaked for ten minutes or more, removed, rinsed, dried thoroughly and

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stored in a predisinfected and dry drawer, cabinet or non-airtight covered container, or left in an EPA registered disinfection/storage solution used according to manufacturer's directions.

5. All wax pots will be cleaned and disinfected with an EPA registered hospital (grade) and tuberculocidal disinfectant solution with no sticks left standing in the wax at any time.
6. Each barber, cosmetologist, and nail technician must have a wet disinfection unit at his station.
7. Nail brushes, nippers, finger bowls, disinfected or washable files and buffers and other instruments must be washed in soap and water (files are to be scrubbed with a brush to remove all foreign matter), rinsed, thoroughly dried with a clean paper towel, and then completely immersed in an EPA registered hospital (grade) and tuberculocidal disinfectant solution for 10 minutes after each use. After disinfection they must be rinsed, dried thoroughly with a clean paper towel, and placed in a dry, predisinfected, non-airtight covered receptacle, cabinet or drawer, or left in an EPA registered disinfectant/storage system used according to manufacturer's directions.
8. Drill bits are to be soaked in acetone and scrubbed with a wire brush to remove all foreign matter. All foreign matter must be removed. The drill bits must then be cleaned with warm water and soap or detergent and rinsed, dried thoroughly with a clean paper towel, and completely immersed in an EPA registered hospital (grade) and tuberculocidal disinfectant solution. Such implements shall be soaked for ten minutes or more, removed, rinsed, dried thoroughly, and stored in a pre-disinfected and dry drawer, cabinet or non-airtight covered container, or left in an EPA registered disinfection/storage solution used according to manufacturer's directions.

C. General sanitation and safety requirements:

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1. All furniture, walls, floors, and windows shall be clean and in good repair. Wash basins and shampoo sinks shall be clean.

2. The floor surface in the immediate work area must be of a washable surface other than carpet. The floor must be kept clean, free of hair, dropped articles, spills and electrical cords;

3. Walls and ceilings in the immediate work area must be in good repair, free of water seepage and dirt. Any mats shall be secured or shall lay flat;

4. A fully functional bathroom in the same building with a working toilet and sink must be available for clients. Fixtures must be in good condition. The bathroom must be lighted and sufficiently ventilated. If there is a window, it must have a screen. There must be antibacterial soap and clean individual towels for the client's use. Laundering of towels is allowed, space permitting. The bathroom must not be used as a work area or for the open storage of chemicals;

5. General areas for client use must be neat and clean with a waste receptacle for common trash;

6. Electrical cords shall be placed to prevent entanglement by the client or licensee;

7. Electrical outlets shall be covered by plates;

8. The salon area shall be sufficiently ventilated to exhaust hazardous or objectionable airborne chemicals, and to allow the free flow of air;

9. Adequate lighting shall be provided.

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D. Equipment sanitation:

1. Service chairs, wash basins, shampoo sinks and workstations shall be clean. Floors shall be kept free of hair, nail product, and other waste materials. Combs, brushes, towels, razors, clippers, scissors, nippers, and other instruments shall be cleaned and sanitized after every use and stored free from contamination.
2. The top of workstands or back bars shall be kept clean;
3. The work area shall be free of clutter, trash, and any other items which may cause a hazard;
4. Heat producing appliances and equipment shall be placed so as to prevent any accidental injury to the client or licensee; and
5. Electrical appliances and equipment shall be in safe working order at all times.

E. Articles, tools and products:

1. Clean towels and robes shall be used for each patron. Soiled towels and robes or smocks shall be stored in an enclosed container except if the towels are in separate laundry rooms.
2. Whenever a haircloth is used, a clean towel or neck strip shall be placed around the neck of the patron to prevent the haircloth from touching the skin.

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3. Scissors, razors, clippers, nippers, and all sharp-edged cutting instruments shall be sanitized after each use with a disinfectant in accordance with the manufacturer's instructions.
4. Hair brushes and combs shall be washed in soap and hot water and sanitized after each use.
Cleaned instruments, such as combs, hair brushes, shears, towels, etc., shall be kept free from contamination.
5. No alum or other astringent shall be used in stick form. Liquid or powder astringent must be used.
6. Permanent wave rods shall be rinsed after each use. End papers shall not be reused and shall be destroyed after each use.
7. Soiled implements must be removed from the tops of work stations immediately after use;
8. Clean spatulas, other clean tools, or clean disposable gloves shall be used to remove bulk substances from containers;
9. Powder puffs, lip color, cheek color, sponges, or styptic pencils that cannot be sanitized or sterilized are prohibited from being used on more than one client;
10. Lotions, ointments, creams, and powders shall be kept in closed containers. A clean spatula shall be used to remove creams or ointments from jars. Sterile cotton shall be used to apply creams, lotions and powders. Cosmetic containers shall be recovered after each use;
11. For nail care, a sanitary container shall be provided to each client. Emery boards shall be discarded after use on each individual client;

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12. All sharp tools, implements, and heat producing appliances shall be safely stored;

13. Pre-sanitized tools and implements, linens and equipment shall be stored for use in a sanitary enclosed cabinet or covered receptacle;

14. Soiled towels, linens and implements shall be deposited in a container made of cleanable materials and separate from those that are clean or pre-sanitized;

15. No substance other than a sterile styptic powder or sterile liquid astringent approved for homeostasis and applied with a sterile single-use applicator shall be used to check bleeding; and

16. Any disposable material making contact with blood or other body fluid shall be disposed of in a sealed plastic bag and removed from the shop, salon, school or facility in accordance with the guidelines of the Department of Health.

F. Chemical storage and emergency information:

1. Shops, salons, schools and facilities shall have in the immediate working area a binder with all Material Safety Data Sheets (MSDS) provided by manufacturers for any chemical products used;

2. Shop, salons, schools and facilities shall have a blood spill clean-up kit in the work area;

3. Flammable chemicals shall be stored in a non-flammable storage cabinet or a properly ventilated room; and

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4. Chemicals that could interact in a hazardous manner (oxidizers, catalysts and solvents) shall be separated in storage.

G. Client health guidelines:

1. All employees providing client services shall cleanse their hands with an antibacterial product prior to providing services to each client. Licensees shall require that clients for nail care services shall cleanse their hands immediately prior to the requested nail care service;
2. An artificial nail shall only be applied to a healthy natural nail;
3. A nail drill or motorized instrument shall be used only on the free edge of the nail;
4. No shop, salon, school or facility providing cosmetology or nail care services shall have on the premises cosmetic products containing hazardous substances that have been banned by the U.S. Food and Drug Administration (FDA) for use in cosmetic products.
5. No product shall be used in a manner that is disapproved by the FDA; and
6. All regulated services must be performed in a facility that is in compliance with current local building and zoning codes.

- H. In addition to any requirements set forth in this section, all licensees and temporary permit holders shall adhere to regulations and guidelines established by the Virginia Department of Health and the Occupational and Safety Division of the Virginia Department of Labor and Industry.

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I. All shops, salons, schools and facilities shall immediately report the results of any inspection of the shop, salon, or school by the Virginia Department of Health as required by Virginia Code Section 54.1-705.

J. All shops, salons, schools and facilities shall maintain a self-inspection form on file to be updated on an annual basis, and kept for 5 years, so that it may be requested and reviewed by the board at its discretion.

18 VAC 41-40-280. Grounds for license revocation or suspension; denial of application, renewal or reinstatement; or imposition of a monetary penalty.

A. The board may, in considering the totality of the circumstances, fine any licensee, certificate holder, or permit holder, and to suspend or revoke or refuse to renew or reinstate any license, certificate, or permit, or deny any application issued under the provisions of Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia and the regulations of the board if the board finds that:

1. The licensee, certificate holder, permit holder or applicant is incompetent, or negligent in practice, or incapable mentally or physically, as those terms are generally understood in the profession, to practice as a barber, cosmetologist, or nail technician; or
2. The licensee, certificate holder, permit holder or applicant is convicted of fraud or deceit in the practice or teaching of barbering, cosmetology, or nail care; or
3. The licensee, certificate holder, permit holder or applicant obtained, renewed or reinstated a license, certificate, or permit by false or fraudulent representation; or

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4. The licensee, certificate holder, permit holder or applicant violates or induces others to violate, or cooperates with others in violating, any of the provisions of these regulations or Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia or any local ordinance or regulation governing standards of health and sanitation of the establishment in which any barber, cosmetologist, or nail technician may practice or offer to practice; or
5. The licensee, certificate holder, permit holder or applicant fails to produce, upon request or demand of the board or any of its agents, any document, book, record, or copy thereof in a licensee's or owner's possession or maintained in accordance with these regulations; or
6. A licensee, certificate holder, or permit holder fails to notify the board of a change of name or address in writing within 30 days of the change for each and every license, certificate, or permit. The board shall not be responsible for the licensee's, certificate holder's, or permit holder's failure to receive notices, communications and correspondence caused by the licensee's, certificate holder's, or permit holder's failure to promptly notify the board in writing of any change of name or address or for any other reason beyond the control of the board; or
7. The licensee, certificate holder, permit holder or applicant publishes or causes to be published any advertisement that is false, deceptive, or misleading; or
8. The licensee, certificate holder, permit holder or applicant fails to notify the board in writing within 30 days of the suspension, revocation, or surrender of a license, certificate, or permit in connection with a disciplinary action in any other jurisdiction or of any license, certificate, or permit which has been the subject of disciplinary action in any other jurisdiction; or

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9. In Accordance with § 54.1-204 of the Code of Virginia, the licensee, certificate holder, permit holder or applicant has been convicted in any jurisdiction of a misdemeanor or felony which directly relates to the profession of barbering, cosmetology, or nail care. The board shall have the authority to determine, based upon all the information available, including the applicant's record of prior convictions, if the applicant is unfit or unsuited to engage in the profession of barbering, cosmetology, or nail care. The board will decide each case by taking into account the totality of the circumstances. Any plea of nolo contendere shall be considered a conviction for the purposes of this section. The applicant shall provide a certified copy of a final order, decree or case decision by a court or regulatory agency with the lawful authority to issue such order, decree or case decision, and such copy shall be admissible as prima facie evidence of such conviction. This record shall be forwarded by the applicant to the board within ten days after all appeal rights have expired.
- B. The board may, in considering the totality of the circumstances, revoke, suspend or refuse to renew or reinstate the license of any school or impose a fine as permitted by law, or both, if the board finds that:
1. An instructor of the approved school fails to teach the curriculum as provided for in these regulations; or
 2. The owner or director of the approved school permits or allows a person to teach in the school without a current instructor certificate; or
 3. The instructor, owner or director is guilty of fraud or deceit in the teaching of barbering, cosmetology or nail care.

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C. The board may, in considering the totality of the circumstances, revoke, suspend or refuse to renew or reinstate the license of any barbershop, cosmetology or nail salon or impose a fine as permitted by law, or both, if the board finds that:

1. The owner or operator of the shop or salon fails to comply with the sanitary requirements of barbershops or cosmetology or nail salons provided for in these regulations or in any local ordinances; or

2. The owner or operator allows a person who has not obtained a license or a temporary permit to practice as a barber, cosmetologist, or nail technician unless the person is duly enrolled as a registered apprentice.

D. The board may, in considering the totality of the circumstances, revoke, suspend or refuse to renew or reinstate the license of any licensee or impose a fine as permitted by law, or both, if the board finds that the licensee fails to take sufficient measures to prevent transmission of communicable or infectious diseases or fails to comply with any local, state or federal law or regulation governing the standards of health and sanitation for the practices of barbering, cosmetology, or nail care.